

Appln No. 09/637,764

Amdt date December 9, 2005

Reply to Office action of July 12, 2005

REMARKS/ARGUMENTS

The above amendments and these remarks are responsive to the Office Action mailed on July 12, 2005. Claim 39 has been amended. Claim 42 has been added. Claims 1-3, 7-29, 31-33, 35-37, and 39-42 are now pending in this application. Reconsideration on the basis of the above amendments and remarks below is kindly requested.

The undersigned attorney wishes to thank the Examiner for the telephonic interview on September 6, 2005 where potential amendments to claims 39 for placing it in condition for allowance were discussed.

In the Office Action, the Examiner stated that the Notice of Allowance mail has been vacated. However, applicant wishes to inform the Examiner that a Notice of Allowance was never received by the applicant nor the undersigned attorney.

The Examiner rejected claim 39 under 35 USC §102(a) as being anticipated by, or, in the alternative, under 35 USC §103(a) as being obvious over Schader et al., RE 37127. Claim 39 has been amended to require a hardfacing comprising filler comprising in the range of 20 to 100 percent by weight spherical cast tungsten carbide. Claim 42 has been added and requires a hardfacing comprising filler comprising in the range of 25 to 100 percent by weight spherical cast tungsten carbide. Schader et al. according to the Examiner discloses about 12-18% by weight spherical cast tungsten carbide. There is nothing in Schader et al. that suggests that his disclosed hardfacing includes filler comprising 20% or greater by weight as required by claim 39, or 25% or greater by weight as required by claim

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42, spherical cast tungsten carbide. As such, applicants submit that Schader et al. does not anticipate nor render obvious, claims 39 and 42.

Support for the amendment to claim 39 and the added claim 42 is found in the specification on column 6, lines 5-10 where it is stated that in a preferred embodiment the filler comprises spherical cast tungsten carbide in the range from 10 to 100 percent by weight. Thus, the filler can comprise 20 percent, or greater, or 25 percent or greater, by weight spherical cast tungsten carbide.

A set of substitute Declarations, advising the error that has been corrected in this reissue application up to the time of filing of these Declarations arose without any deceptive intention on the part of the inventors, is also being submitted herewith.

The rejections to all claims pending in this application have been overcome and this application is now believed to be in condition for allowance. Should the Examiner have any remaining questions or concerns about the allowability of this application, the Examiner is kindly requested to call the undersigned attorney to discuss them.

Respectfully submitted,
CHRISTIE PARKER & HALE, LLP

By 

Constantine Marantidis
Reg. No. 39,759
626/795-9900

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